

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Johnny Smith,)	
)	
<i>Plaintiff,</i>)	
)	No. 13-cv-
-vs-)	
)	
Thomas Dart, Sheriff of Cook)	
County and Cook County, Illinois,)	(<i>jury demand</i>)
)	
<i>Defendants.</i>)	
)	

COMPLAINT

Plaintiff, by counsel, files this complaint and alleges the following:

1. This is a civil action arising under the Fourth and Fourteenth Amendments to the United States Constitution and under 42 U.S.C. § 1983 and 42 U.S.C. § 1988. The jurisdiction of this Court is conferred by 28 U.S.C. § 1331 and 28 U.S.C. § 1343.
2. Plaintiff is a resident of the state of Illinois.
3. Defendant Thomas Dart is the Sheriff of Cook County. Plaintiff sues Dart in his individual and official capacity.
4. Defendant Cook County is joined in this action pursuant to *Carver v. Sheriff of LaSalle County*, 324 F.3d 947 (7th Cir. 2003).
5. Defendant Dart was apprised of the legal principals set forth in *Gramenos v. Jewel Cos.*, 797 F.2d 432 (7th Cir. 1986), *Harper v. Sheriff of*

Cook County, 581 F.3d 511 (7th Cir. 2009) and *Lewis v. O'Grady*, 853 F.2d 1366 (7th Cir. 1988) during his tenure as Sheriff that after a person receives a court ordered discharge from custody, the Sheriff may only hold that person for a reasonable period of time necessary to complete administrative steps necessary to release that person from custody under the Fourth Amendment.

6. In 2013 defendant Dart publicly acknowledged there may be an unreasonable delay to release persons from the Cook County Jail following a court ordered discharge.

7. In 2011 plaintiff was arrested and remanded to the custody of the Cook County Department of Corrections pending the outcome of his criminal charges.

8. In the early afternoon of October 21, 2013 plaintiff went before a judge at the Criminal Court Building where he received a court ordered discharge from custody. Consistent with defendant Dart's practice and policy, plaintiff remained in the custody of the Sheriff and was ordered to return to his housing unit where he waited for hours to be discharged. Sometime near midnight plaintiff was discharged from the Jail.

9. By holding plaintiff in excess of four hours after a court ordered discharge from custody, defendant Dart deprived plaintiff of his rights secured by the Fourth and Fourteenth Amendments to the United States Constitution.

10. Plaintiff hereby demands trial by jury on his claim for damages.

WHEREFORE, plaintiff requests that he receive appropriate compensatory damages in an amount in excess of fifty thousand dollars and punitive damages against defendant Dart in an amount in excess of twenty thousand dollars. Plaintiff also requests that the costs of this action, including attorneys' fees, be taxed against defendant Cook County.

/s/ Patrick W. Morrissey

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